



CHAPTER VI:

Land Use



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This chapter describes land use patterns within the Town of Amherst, and analyzes the status of current zoning and subdivision regulations. Estimated build-out projections were performed to provide guidance in terms of future development patterns. Zoning standards in each of the Town's existing zoning districts are restated to reaffirm those standards.

The Amherst Planning Board has approached the update to this master plan with the assumption that no major changes are necessary in terms of zoning district boundaries, minimum lot sizes or density requirements within each of the zones.

EXISTING LAND USE PATTERNS

A relatively large flat plain in its south and east central areas with two central valleys characterizes Amherst's topography. One valley runs through the village and up Boston Post Road, and the other runs northeasterly up Route 101 and Horace Greeley Road. Settlement patterns in the Town originated in these valleys. Approximately two thirds of the town is located north of the Souhegan River. In general, land use patterns in town are characterized by single-family homes on large lots on existing roadways.

TABLE VI-1
LAND USE

Use Category	Acres	Percent
Residential	9,384.0	42.5%
Conservation	1,543.0	7.0%
Federal	772.6	3.5%
Private Recreation	747.6	3.4%
Commercial	376.8	1.7%
Town	280.4	1.3%
Industrial	192.3	0.9%
Agricultural	313.9	1.4%
School	94.4	0.4%
Park	71.0	0.3%
Vacant	8095.6	36.6%
Total	22,089.6	100.0%

Source: NRPC Estimates based upon Land Use Map.

The predominant land use in Amherst is single family residential. In general, residential settlement patterns have followed a broad sweeping "c" shape extending from Route 101 at the Bedford town line, through Amherst Village and then across the flat plain between Route 101-A and Country Road. The general pattern of development reflects current zoning, consisting primarily of two and five acre lots.

Amherst Center is characterized by historic properties surrounding a village green, and is perhaps one of the best examples of historic preservation in New England. Amherst was the first community to implement a historic district in the State of New Hampshire in 1970. The Village is the most densely settled portion of the community, with the exception of the Route 101A corridor. Primarily single family residential, churches, town administrative offices, a country store and gas station characterize uses in this area. Public water from the Pennichuck Water Works is available in Amherst Center.

The primary deviation from the traditional pattern of development of the town is commercial activity associated with Route 101 and 101A. Smaller scale shopping plazas, constructed in traditional New England style characterize the development that has occurred on 101. These developments blend in well with the style of the community. The Town's Planning Board has taken great strides to ensure that this limited development is compatible with the community's character. The types of uses found are typical retail and neighborhood commercial uses. The largest such development is Salzburg Shopping Village.

The commercial activity that has developed along the Route 101A corridor is segregated from the rest of the community. The 101A corridor contains a variety of commercial, industrial and business uses, including the Bon Terrain Industrial Park. This portion of the town forms the economic center of the community. The Town has taken advantage of 101A in order to increase its tax base. However, much of the space is underutilized.

The area surrounding Baboosic Lake developed as a vacation community, with small cottages and vacation homes. Over time this area has evolved into a year-round community. The lake's discovery as a vacation community resulted in the creation of numerous substandard lots that are now grandfathered. The density of this area, especially now that many of the camps have been converted, is contributing to water quality problems for the Lake.

The Town does have several recreational parcels. These uses are located primarily in the flood plain of the Souhegan River. Among the uses are two public golf courses (Amherst Country Club and Buckmeadow Golf Club) and the Ponemah Bog, which is located between Route 101-A and Sterns Road. Another is the Camp Young Judea property located on Camp Road.

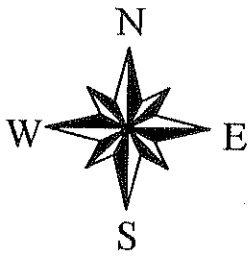
The Town of Amherst has a relatively small number of duplex housing, representing 80 units, or 3.1% of the total housing stock of the Town. Multi-family (3 or more units) is also limited and represents 95 units or 3.3% of all units. The Town does have 78 mobile homes found primarily in two locations: the Amherst Garden Trailer Park and adjacent to Truel Road off Route 101A. (*Housing Figures from 1990 US Census are reported in the Demographics and Housing chapter.*)

DEVELOPMENT CONSTRAINTS

Several development constraints were considered in order to determine the potential build-out of the Town. Development constraints are general landscape conditions that may pose a barrier to using land for residential, commercial or industrial development. These constraints were evaluated on two levels: zoning districts and TAZs (traffic analysis zones--see *Transportation chapter for further information*).

An estimate of remaining land in Amherst was conducted by the NRPC in consultation with the Amherst Zoning Administrator. Already developed parcels were identified, and development constraints on remaining land was used to determine a maximum build-out. The following factors were considered to be development constraints for the purposes of this analysis.

MAP VI-1
LAND USE



Amherst Land Use, 1998

- Agriculture
- Conservation Easement or Fee Ownership
- Commercial
- Government
- Industrial
- Lake / Pond
- Park
- Private Recreation
- Residential
- School
- Town Owned
- Vacant

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Source: Nashua Regional Planning Commission, 1998

1. Land already in a certain use (NRPC, 1993 Generalized Land Use Map, updated following discussions with the Amherst Zoning Administrator)
2. Poorly, and very poorly drained soils including wetlands (Hillsborough County Conservation District, 1986)
3. Soils with septic limitations (NRCS, 1981)
4. Steep Slopes (15% or more; Class D and E Soils--NRCS, 1981)
5. Water Bodies (including required 100' buffers from waterbodies)
6. Depth to Bedrock (less than 60 inches to bedrock, NRCS, 1981)

Ten percent of the total vacant developable land was factored out to account for future roads and any lot irregularities. Since there is no parcel specific data base for the Town, it was not possible to go beyond a general analysis of constraints.

Land was then divided into the zoning districts, and the amount of unconstrained land was divided by the minimum zoning density found in each zone. The result was an upper-limit showing the total number of new units that could be achieved in each zone. It is important to understand that this is a "worst case" scenario that does not consider development constraints that may arise from oddly shaped lots. Rather, this assumes that over time, with increasing development pressure, lots may be reassembled and development opportunities maximized. The 10% factor used for new roadways is an arbitrary number that is commonly used.

TABLE VI-2
DEVELOPMENT CONSTRAINTS

<i>Constraint</i>	<i>Acres</i>
Depth to Bedrock	2,682.0
Waterbodies (ponds, lakes, rivers, including buffers)	2,523.0
Wetlands (including 100 foot buffer)	2,701.4
Slopes Greater than 15%	8,187.4
Soils with High Septic Limitations	2,812.1
Poorly (Hydric B) and Very Poorly (Hydric A) Drained Soils	2,701.0
Developed Parcels	13,994.0

The table shows variables that are not necessarily mutually exclusive. For instance, one parcel may contain both wetlands and septic limitations. The purpose of displaying the table is to demonstrate the magnitude of each variable.

The analysis reveals a total acreage of 13,944 that is already developed. The area that was unconstrained or buildable was that land void of the aforementioned variables. Ten percent of this land was subtracted out to account for future roads and for irregularly shaped lots. Resulting in 3,423 acres which was broken down into zoning district and divided by the minimum lot area to yield the projected build-out of each area.

CURRENT ZONING

The Town of Amherst is divided into seven primary zones and six overlay zones, which will be analyzed here. Current zoning is reflective of actual development patterns. The number of built lots are those containing a use that are less than two times the lot size in that zone. The number of buildable lots is the total land area of the zone, excluding publicly owned land and land zoned in wetlands, flood plain or other conservation zones. For the purposes of

this analysis, 10% of all buildable land is subtracted to account for new roads and rights of way. The remainder of all excluded land in acres is divided by the minimum lot size.

As with any estimate, there will be variances. NRPC data is not based upon parcel specific mapping, and therefore this estimate will not account for building constraints associated with irregularly shaped lots, or parcels that are very difficult to access. Planning Board members have conducted their own estimate of the number of new units in residential zones based upon their intimate knowledge of individual parcels. Both estimates are reflected in Table VI-3. The true number of future parcels is likely to be some number in between both estimates.

**TABLE VI-3
ESTIMATED BUILDOUT**

<i>Zoning Districts</i>	<i>Buildable Lots NRPC Estimates</i>	<i>Buildable Lots Planning Board Estimate</i>
Residential/Rural (RR)	1,143	--
Northern Rural Zone (NR)	179	--
Northern Transitional Zone (Ntr)	28	--
Commercial Zone (C)	16	--
Limited Commercial (LC)	4	--
Industrial Zone (I)	71	--
General Office	12	--
<i>Total in Residential Zones</i>	1,350	750
<i>Total in All Zones</i>	1,453	--

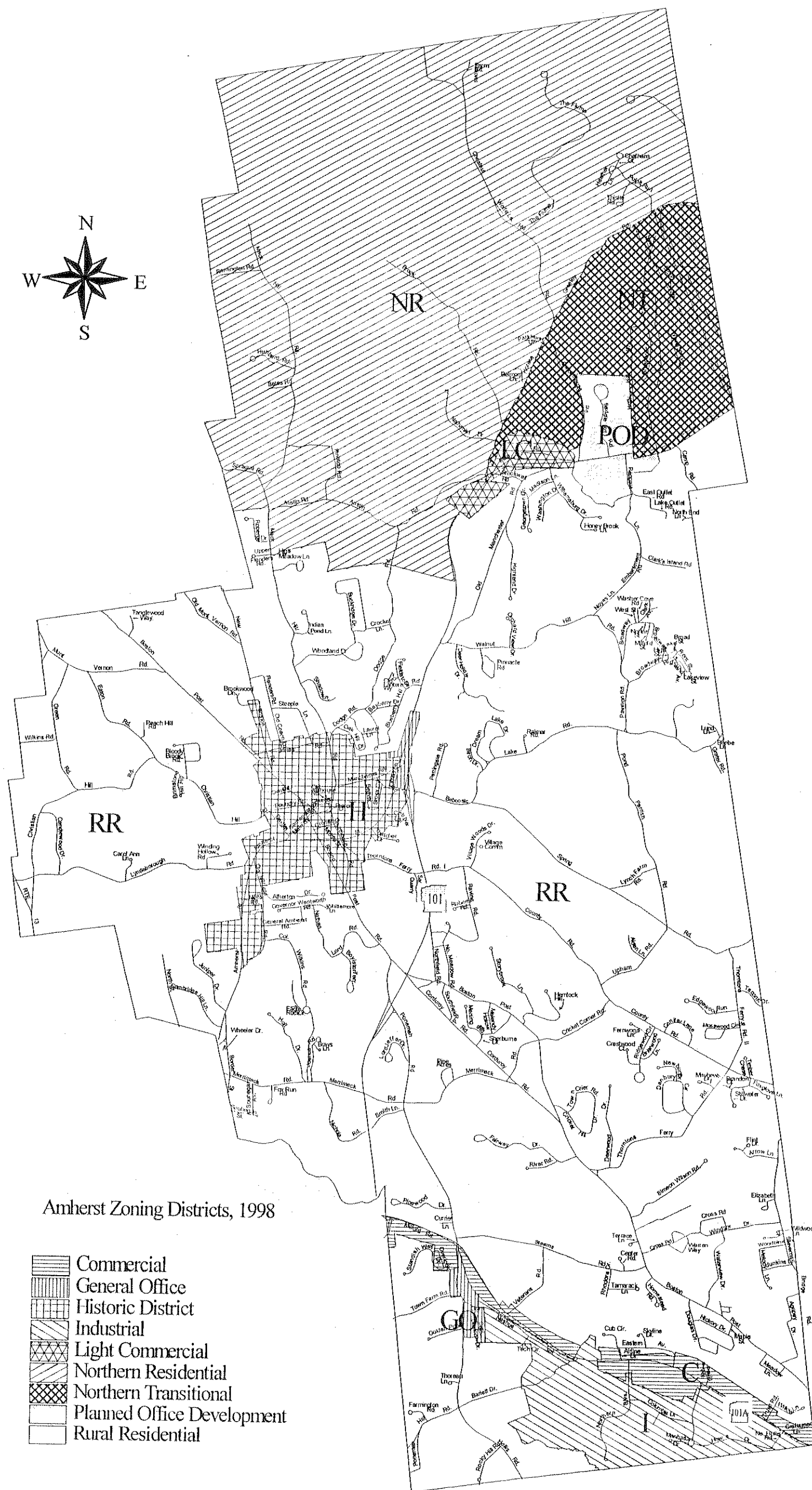
Sources: NRPC & Amherst Planning Board, 1998.

Residential/Rural Zone

The Residential Rural Zone comprises 13,979.8 acres, or roughly 63% of the Town. This zone consists primarily of single-family homes on two-acre lots, and is subject to a disproportionate amount of building permit activity. The data indicates the potential for another 1,143 new lots to be created under current zoning standards.

<i>RURAL RESIDENTIAL ZONE (RR) ANALYSIS</i>	
Density / Lot Size	2 acre
Permitted Uses	Single Family, PRD, Home Occupation, Roadside Stand, Open Space Plan, Amateur Non-Profit Sports and Recreation; All Family Day Care
Special Exception Uses	Religious Purposes; Nursing Homes; Multi-Unit Elderly Housing; Two Family Conversion
Frontage	200 feet; 35 feet for reduced frontage lots
Front Setback	30 feet
Side Setback	15 feet

MAP VI-2
ZONING MAP



MAP VI-3
DEVELOPMENT CONSTRAINTS MAP



< 60 inches to Bedrock

20-40
<60

100 ft Buffer Around Surface Water

Soil Drainage

Poor
Very Poor

Potential for Septic Systems

Low

Very Low

Slope Constraints (> 15%)

Moderately Steep
Steep

Zoning Districts

USGS Surface Water

Land in Use

Source: NRPC, NRCS, USGS, & GRANIT

Northern Rural Zone

The Northern Rural Zone comprises 5,362.8 acres, or roughly 24.2% of the Town. The predominant land use is residential, with large tracts of town owned and conservation land.

This area is intended to allow for lower density residential uses on five-acre lots. NRPC estimates indicate the potential for another 179 new lots to be created under current zoning standards.

NORTHERN RURAL ZONE (NR) ANALYSIS	
Density/Lot Size	5 acre
Permitted Uses	Single Family, Farm/ Agriculture/Nursery, Roadside Stand, Home Occupation, Planned Residential Development (PRD), Open Space Plan, Affordable Housing, Amateur Non-Profit Sports and Recreation; All Family Day Care Home Facilities
Special Exception Uses	Religious Purposes; Private Schools; Hospitals/Clinics/Nursing Homes; Professional Offices; Funeral Homes; Sawmills; Two Family Conversion; Kennels
Frontage	300 feet
Front Setback	50 feet or predominant setback
Side Setback	30 feet

Northern Transitional Zone (NTr)

The Northern Transition Zone comprises 997.6 acres, or roughly 4.5% of the Town. The predominant land use is residential. The purpose of the zone is to provide a buffer between the lower density Northern Rural Zone and the Rural Residential Zone. NRPC estimates indicate the potential for another 28 new lots to be created under current zoning standards.

NORTHERN TRANSITIONAL ZONE (NTr) ANALYSIS	
Density/Lot Size	3.5 acre
Permitted Uses	Single Family, Farm/ Agriculture/Nursery, Roadside Stand, Home Occupation, Planned Residential Development (PRD), Open Space Plan, Affordable Housing, Amateur Non-Profit Sports and Recreation; All Family Day Care Home Facilities
Special Exception Uses	Religious Purposes; Private Schools; Hospitals/Clinics/Nursing Homes; Professional Offices; Funeral Homes; Sawmills; Two Family Conversion; Kennels
Frontage	300 feet; 35 feet on Class A or Class B road
Front Setback	50 feet or predominant setback
Side Setback	30 feet

Commercial Zone

The Commercial Zone is located in the Route 101A corridor. The purpose of the zone is to serve the major commercial needs and business needs of the general public. The zone comprises 253.3 acres, or roughly 1.1% of the Town. The predominant land use is retail, industrial and office. NRPC estimates indicate that the commercial zone may yield approximately 16 additional lots under current zoning standards

COMMERCIAL ZONE (C) ANALYSIS	
Density/Lot Size	1 acre (except 2 acre minimum for residential)
Permitted Uses	Retail Establishments; Hotels and Motels; Public Utility Building/Structure/Facility; Home Occupation; Planned Residential Development; Mixed Use Development; Affordable Housing; Amateur Non-Profit Sports and Recreation; All Family Day Care Home Facilities
Special Exception Uses	Outside Recreation; Outside Storage; Religious Uses; Private Schools; Hospitals/Nursing Homes; Single Family Conversion; Kennels
Frontage	200 feet
Front Setback	50 feet without parking in front; Parking in front allowed if structure is setback 100 feet from road, and there is a 50-foot buffer between parking and road.
Side Setback	30 feet

Limited Commercial (LC) Zone

The Limited Commercial Zone is located on Route 101, and includes Salzburg Square and smaller road-side commercial services. The purpose of the zone is to serve local commercial needs. The zone comprises 106.6 acres, or roughly 0.5% of the Town. NRPC estimates indicate that there is the potential for another 4 new lots to be created under current zoning standards.

LIMITED COMMERCIAL ZONE (LC) ANALYSIS	
Density/Lot Size	1 acre (except 2 acre minimum for residential)
Permitted Uses	Limited Retail/Personal Service/Business for local use; Business/Professional Offices; Veterinary Clinic; Gas Station; Interior Storage; Interior Recreational Establishments; Planned Residential Development; Mixed Use Development; Affordable Housing; Amateur Non-Profit Sports and Recreation; All Family Day Care Home Facilities
Special Exception Uses	Religious Uses; Single Family Conversion
Frontage	200 feet
Front Setback	50 feet without parking in front; Parking in front allowed if structure is setback 100 feet from road, and there is a 50-foot buffer between parking and road.
Side Setback	30 feet

Industrial Zone (I)

The Industrial Zone is located in the Route 101A corridor. The Bon Terrain Industrial Park is located in this zone. The zone exists over one of the most productive aquifers in the Souhegan Valley. The zone is serviced by public water. Sewer is not available however the soils are sandy. The zone comprises 591.9 acres, or roughly 2.7% of the Town. The predominant land use is retail, industrial and office. NRPC estimates indicate the potential for another 71 new lots to be created under current zoning standards.

One issue in this zone is the lack of water and sewer for available parcels. This has been a limiting factor for the types of uses that can occur within the zone. The Town is interested in providing a solid industrial base for clean, light industrial uses. Further exploration is necessary for the town to develop economic development strategies.

INDUSTRIAL (C) ANALYSIS	
Density / Lot Size	1 acre
Permitted Uses	Light Manufacturing; Assembly; Metal Working; Equipment Sales and Service; Creamery / Bakery / Bottling; Distribution; Laboratories; Corporate Business / Professional Offices; Wholesale Business and Storage; Storage Yards; Banks; Coffee or Sandwich Shops (excluding fast food); Veterinary Clinic; Interior Recreational Establishments; Home Occupation; Public Utility; Affordable Housing; Amateur Non Profit Sports and Recreation; Several Prohibited Activities
Special Exception Uses	Kennels
Frontage	200 feet
Front Setback	50 feet or 100 feet
Side Setback	30 feet

General Office (GO)

The General Office Zone is located in the Route 101A corridor. The zone contains small professional offices and religious institutions. The zone comprises 70.3 acres, or roughly 0.3% of the Town. NRPC estimates indicate that there is the potential for another 12 lots to be created under current zoning standards.

GENERAL OFFICE (GO) ANALYSIS	
Density / Lot Size	1 acre (except 2 acre minimum for residential)
Permitted Uses	Professional Offices; General Offices; Mixed Use Development; Amateur Non-Profit Sports and Recreation; Outside Storage/Equipment. (Note Retail specifically excluded)
Special Exception Uses	None
Frontage	200 feet
Front Setback	50 or 100 feet
Side Setback	30 feet

Overlay Districts

Overlay districts are part of a larger zoning district. Overlays generally impose additional conditions and standards than those allowed under the general zoning district. Amherst has six overlay zones.

Planned Office Development (POD)

The Planned Office Development Zone is an overlay located along Route 101 near the Bedford Town Line. The zone is intended to provide office buildings within a park-like setting. Currently the area contains residential development on the north side of 101, while the southern side is largely vacant. The POD zone has design review criteria and procedures that dictate building materials, colors, lighting and pedestrian access requirements. The zone comprises 199.4 acres, or roughly .90% of the Town. For all practical purposes, this overlay zone is currently built-out.

PLANNED OFFICE DEVELOPMENT	
Density/Lot Size	10 acre lots; 20% FAR with 50% open space requirement; with stringent architectural design standards
Permitted Uses	Professional and General Offices; Amateur Non-Profit Sports and Recreational Uses
Special Exception Uses	None
Frontage	200 feet
Front Setback	300 feet
Side Setback	100 feet

Historic District (HD)

The Historic District establishes a Historic District Commission that is charged with the review of all building permits in the overlay zone. Activities subject to review include alterations to architectural detailing, modifications of windows and doors, new construction, demolition, installation of antennae, and site work. Review standards take the following factors into consideration: special character of the area; historic and architectural value; compatibility of exterior design; general size and scale of new construction; and the economic activity within the building. The Historic District overlays an area of 623.4 acres, or roughly 2.8% of the town. Of the total, 23.7 acres remains vacant.

Aquifer Conservation District

The Aquifer Conservation District governs land use within aquifers identified by the United States Geological Survey (USGS). The zone has a series of performance standards for uses that requires no impact to ground water. It also sets forth prohibited uses that include: outdoor storage; solid waste disposal; septage disposal sites; automobile repair; junkyards; hazardous waste disposal; toxic materials; underground fuel storage; and gas stations.

Flood Plain Conservation District

The Flood Plain Conservation District governs uses found within the 100 year flood boundary as determined by the National Flood Insurance Program. Permitted uses are limited to accessory uses, agriculture, forestry, recreation, golf courses, parking lots and roads, amateur sports and recreational uses and recreational vehicles.

Wetland Conservation District

The Wetland Conservation District governs land use within poorly drained soils and wetlands. The United States Soil Conservation Service (SCS) determines wetland location. Limited forestry, agricultural, passive recreational and conservation uses are permitted. The zone limits construction of septic systems to 75 feet of wetland and limits structures to 50 feet of a wetland.

Watershed Protection District

The Watershed Protection District governs land use in areas adjacent to water bodies, perennial and intermittent streams. Development is prohibited within 100 feet of such resource, and excludes septic systems. Limited forestry and conservation is permitted within this overlay zone.

SPECIFIC USES/PROVISIONS

Affordable Housing

The Zoning Ordinance provides for affordable housing under Section 8-5. This provision allows the Planning Board to waive normal zoning and subdivision requirements if it finds a "suitable candidate". Suitable candidate is defined as a project that is harmonious with neighboring developments and that does not detract from ecological or visual quality of the environment. Such projects may occur only on parcels that are between 1 and 15 acres (except in the Northern Rural Zone where such projects must be between 10 and 20 acres). The Planning Board may permit no more than 1% of the total number of dwelling units found throughout the town in the previous calendar year. Overall lot density may be no greater than one dwelling unit per three-quarters of an acre. Affordable housing is defined as being affordable to a family that earns 120% or less of the median family income in the Nashua Primary Metropolitan Statistical Area as defined by the U.S. Census.

Planned Residential Development

Planned Residential Development (PRD) regulations provide for an alternative pattern of development, commonly known as "clustering" in the Rural Residential, Northern Rural, Northern Transitional and Commercial zoning districts. The goal of the provision is to preserve open space, and to allow for diversity in housing types, provided that such proposals do not detract from the character of the community. The Planning Board has the right to not permit a PRD proposal. The provisions require design review procedures to ensure compatibility with community character. PRD development is not required.

Generally, PRDs must have 20 acres of contiguous, wetland free land. This number is increased to 30 in the Northern Rural district, and 25 acres in the Northern Transitional. Density formulas require the calculation of "net" acreage, which is all lands exclusive of those found within the wetlands conservation and floodplain conservation overlay districts, slopes greater than 15%, and soils with development constraints. Density is calculated for the number of bedrooms permitted in the entire development. The provisions allow for up to 10% of all units to be mobile homes.

No less than 40% of all land within a PRD must be set aside as open space. The land to be set aside must be usable for parks, recreation, conservation or agricultural purposes for the residents of the development.

Open Space Plan

An open space plan is essentially a cluster development. This provision allows such developments on parcels of land greater than ten acres (25 acres in the Northern Rural and

Northern Transitional Zones). The overall density must be the same as what would be permitted under a conventional subdivision. Clustered lots maybe reduced to one acre (two acres in the Northern Rural and Northern Transitional Zones). The provisions also enable reductions in road frontage requirements. Open Space must be provided at a rate of 0.75 acres per house lot; in the Northern Rural and Transitional Zones, the amount of open space must be 2.0 acres per house lot. Open Space Development encourages construction on private roads.

Sign Regulations

Preservation of the town's rural character as a key goal of the sign ordinance. The ordinance provides for "exempt" signs, which are those that require no permit, provided that they fall within the parameters set by the ordinance. Examples of exempt signs include historical markers, governmental flags, on-premise directional signs, etc. The ordinance also identifies signs that are prohibited, and encourages the preparation of a sign master plan.

Scenic Setback

Section 3-11 of the Zoning Ordinance intends to preserve and enhance the rural character of main roads leading through Town, and also to prevent "unsightly" development along these roads. No structure of any kind is permitted within 100 feet of designated roads.

Designated roads include the following:

- ♦ Route 122 from Hollis Town line north to Old Route 101, Horace Greeley Highway
- ♦ Boston Post Road from Sterns Road north to Route 122
- ♦ Boston Post Road from Beaver Brook north to Mont Vernon Road
- ♦ Mont Vernon Road from Boston Post Road north to the Mont Vernon town line.
- ♦ Route 101 Bypass from Horace Greeley Highway south to Milford town line.
- ♦ New Boston Road from Boston Post Road north to Mont Vernon town line.
- ♦ Christian Hill Road from Davis Lane to Route 13
- ♦ Corduroy Road from Merrimack Road north to Road
- ♦ Merrimack Road from Boston Post Road north to Corduroy Road
- ♦ Mack Hill Road from Manchester Road north to Austin Road
- ♦ All Scenic Roads (*see Transportation chapter*)

Telecommunications Ordinance

The Town of Amherst has recently enacted a telecommunications ordinance which seeks to guide the siting of telecommunications towers in a manner that does not interfere with views from any public land, natural scenic vista, historic building, historic district or major view corridor. Such towers are prohibited in resource protection and historic district overlay zones. In the Residential/Rural, Northern Rural, Northern Transitional and Industrial Zones, a special exception is required. If granted, the tower must be set back at least 500 feet from Route 101. Where a special exception has been granted, non-residential site plan review is required.

Subdivision Regulations

The subdivision regulations set forth the rules for the division of land. Per state law, the division of a land tract in two constitutes a subdivision. The Town has procedures that enable a less exhaustive review process for "minor subdivision", which are those that involve the division of one property into three or less parcels.

The subdivision regulations require the Planning Board to conduct a design review, which calls for the preservation of existing features including: trees, scenic ponds, brooks, streams, rock outcroppings, water bodies, natural resources, historic landmarks, and stone walls.

The regulations tie in with roadway specifications adopted in 1971. Street design requirements consider pre-existing street patterns, require 150' turning radius for cul-de-sacs, and construction requirements. The regulations permit the construction of private roads provided that disclaimer language is added to the plan warning future buyers that the Town does not intend to improve these roadways in the future.

The subdivision regulations allow for limited zoning flexibility primarily in the form of reduced frontage in order to access back lots.

NOTEWORTHY PROJECTS

The Planning Board has identified three projects that are noteworthy as examples for future development. One project addresses the issue of providing highway access management, another relates to water quality impact analysis and the third in provides significant open space. Each of these projects are examples to be reinforced through future zoning revisions and site plan reviews.

1. *Wal*Mart.* The Wal*Mart minimizes access points to Route 101A through the creation of a parallel frontage road. Future development in the general area could likewise provide access points onto the access road, rather than directly onto Route 101A. The result of such an arrangement will be increased roadway capacity on Route 101A. With adequate signage, future development in the vicinity can be accessed through the parallel roadway with a consolidated access point at a signalized intersection at Route 101A.
2. *McAfee Farm.* McAfee farm is a 62 lot development located between Horace Greeley and Old South Roads at the Bedford town line. The vast majority of the project (59 lots) is located in Bedford. However, drainage patterns indicated an impact on the resources of the Town of Amherst. The Amherst Planning Board, in an effort to mitigate against the negative water quality impacts associated with the complete project required an assessment that examined the following: a hydrogeologic analysis; nitrogen loading assessment; pesticide loading assessment; road salt analysis, erosion control analysis and a program of on-going water quality analysis. As the Town builds out, it will be necessary to require similar analyses for large scale projects that have threats to water quality resources.
3. *The Hillside/Atherton Commons.* The Hillside (also known as "Atherton Commons") is a 45 unit Planned Residential Development that occurs on 56.7 acre lot off of Old Milford Road. Seventy-two percent of the total tract area is set aside as open space. Conservation

easements were used to provide a permanent 150 foot buffer between the project and Old Milford Road. This project serves as an example of effective land conservation. A high density condominium development primarily consisting of two-bed room units serves the purpose of providing affordable housing without major impacts to the school system. In addition to this, the project has very little visual impact as most of the development is concentrated within a small portion of the site. Of particular importance is the preservation of a field that abuts Boston Post Road.

LAND USE ISSUES

The development pattern established in Amherst has worked well for the Town. The Planning Board seeks to make no changes through this process for zoning district boundaries, minimum lot area standards or density standards.

A review of recent zoning amendments indicates that townspeople have generally followed the recommendations of the Planning Board. Some of the major issues in recent years have involved the issues of affordable housing, sign regulations and various zoning amendments. In general zoning amendments that involve taking land out of the Historic District have been solidly defeated.

The following is a summary of amendments other than housekeeping items that had passed town meeting, by date:

1989

- ♦ Provision that eliminated discontinuance provisions from non-conforming use definition, and required a permit for a change of use, and that allowed for the repair, alteration and replacement of a non-conforming use provided that no new non-conformity is created.
- ♦ Amendments to Section 3-4 that standardized the size of permitted signs in Residential and Rural Zones, and allowed a second ground sign in Commercial, Industrial, General Office and Limited Commercial Zones and allowed pre-existing, non-conforming signs to become less non-conforming.
- ♦ Amendments to Commercial Zone, Limited Commercial Zone, Industrial Zone that employed the 50 and 100 foot building setback rules.
- ♦ Provision that amended the Floodplain Conservation District to require a Professional Engineer's Certification for structures built within flood hazard areas.
- ♦ Amendment allowing for Special Exception uses in the Northern Transitional Zone, which were not included when the zone was created from the Rural Residential Zone.
- ♦ Modification to the terms of Transferable Development Rights, so that this technique could not be applied to Planned Residential Developments.
- ♦ Definition of Open Space Plan, and the addition of this as a permitted use in the Residential, Rural, Northern Rural and Northern Transitional Zones.
- ♦ Amendment to establish area and density requirements for Planned Residential Developments located within the Northern Transitional Zone.
- ♦ Addition of Residential Underground Hazardous Fuel Storage Tanks as a prohibited use in the Aquifer Conservation District.
- ♦ New provision which defined and incorporated "Affordable housing" into the zoning ordinance.

- ♦ Petition amendment that lowered the mandatory age requirement for elderly housing from 55 to 45 years of age.
- ♦ Petition amendment to increase watershed protection district setbacks to 100 feet. (failed)
- ♦ Petition amendment offering alternative definitions for "wetlands" in Wetlands Conservation District (failed).

1990

- ♦ Creation of minimum lot sizes for PRD Developments.
- ♦ Petition amendment requesting those affordable housing provisions of the zoning ordinance be deleted (failed)
- ♦ Petition amendment calling for the division of the residential zone into two, one of which would allow manufactured housing within Planned Residential Developments. (failed)

1991

- ♦ Amateur non-profit sports and recreation added as a permitted use in all zones.
- ♦ Establishment of lot size standards for affordable housing.
- ♦ Provision that enables limited wetland crossings for roads and driveways subject to Planning Board review.
- ♦ Modification of the height requirements in the Industrial zones, which enable heights of 50 feet for inhabited structures, and 80 feet for uninhabited structures south of the railroad tracks.
- ♦ Provision to permit licensed family day care centers (no more than 6 children) as permitted uses in the Residential, Rural, Northern Rural, Northern Transitional, Limited Commercial and Commercial zones.
- ♦ Provision that prohibits the adjustment of lot lines so that result in lots becoming non-conforming or more non-conforming.
- ♦ Modification to the General Office zone's setback requirements so that they are consistent with other commercial zones.
- ♦ Adoption of new sign regulations.
- ♦ Added provisions to the subdivision regulations regarding transfer of development rights.
- ♦ Added provisions that enable internally illuminated signs within master planned commercial and industrial developments.
- ♦ Petition amendment to establish a "prime wetlands" designation. (failed)
- ♦ Petition amendment to regulate residential underground fuel storage tanks. (failed)

1992

- ♦ Added new criteria for Special Exceptions.
- ♦ Established the 50 and 100-foot setback rules for Route 101A corridor.
- ♦ Added consistent requirements for home occupations, and made distinctions in rules for Residential Zone and other zones.

1993

- ♦ Rezoning of area on 101A from Veterans Road West to Route 122 from General Office to Commercial.
- ♦ Petition amendment to make gasoline filling stations a prohibited use in the Aquifer Conservation District. (passed)

- ♦ Deletion of Transfer of Development Rights from the subdivision regulations.
- ♦ Added a provision that allows for the expansion of a non-conforming use, provided that such expansion has no significant impact on the neighborhood.
- ♦ Deleted the Residential and Rural zoning districts and formed the Residential/Rural Zone.
- ♦ Added requirements that enable signs to occur within required setbacks.

1994

- ♦ Added limitations of no more than 18 vehicle trips per day for home occupations.
- ♦ Added more restrictive provisions to the size of signs and their locations.
- ♦ Amended the discontinuance period for abandoned and vacated non-conforming uses to 18 months.
- ♦ Added new lot area and dimensional requirements for the Residential/Rural zone.
- ♦ Defined recreational vehicles and limited placement within a flood zone to 120 days.

1995

- ♦ Added new provisions for home occupations.
- ♦ Petition amendment to add more detailed standards for non-commercial sports and recreational uses (failed)

1996

- ♦ Petition amendment to exclude certain properties from the Historic District (failed).
- ♦ Petition amendment to rezone land on the southeast corner of the intersection of Route 101A and Route 122 from general office to commercial (failed)
- ♦ Adopted BOCA codes.
- ♦ Map changes from Industrial to Commercial.

1997

- ♦ New provisions for the FloodPlain Conservation District.
- ♦ Adoption of a Wireless Communication Ordinance.
- ♦ Provision requiring building permit phasing for any subdivision with four or more lots.

1998 (*Outcome Pending Town Meeting Vote*)

- ♦ Provision of density bonuses in PRD developments that provide recreation, phasing, conservation, and for low, moderate and elderly housing.
- ♦ Addition of definition of "conservation and recreation easements".
- ♦ New standards for accessory apartments.
- ♦ Deletion of Planned Office Development from the zoning text and map.
- ♦ Deletion of residential areas from General Office Zone at Old Nashua and Hollis Roads.
- ♦ New definition of sign, including a prohibition on banner signs.
- ♦ Addition of "aircraft landing fields" to list of permitted uses in Industrial Zone.
- ♦ Prohibition of "aircraft landing fields" in the Residential/Rural, Northern Rural, Limited Commercial, General Office, Northern Transitional and Commercial zones.
- ♦ The placement of limits on the number of horse riding lessons to ten per day Amateur Non-Profit Sports and Recreational Uses.
- ♦ Requirement that any "livestock event" with more than 21 people in attendance be subject to non-residential site plan review.
- ♦ Deletion of provision in affordable housing regulations that considers percentage of income (30%) in eligibility requirements.

RECOMMENDATIONS

The following are recommendations for future land use:

1. The current land use districts found within the Town of Amherst, as well as dimensional and density requirements, have been in place for a number of years and are adequately serving the community. While minor modifications will be necessary, such modifications should be determined on a case-by-case basis and evaluated each year.
2. The Planning Board should continue to address the issue of highway access management for commercial developments on state roadways. Highway access management consists of strategies for preserving the capacity of existing roadway systems by the use of curb cut controls, shared access roads and other similar mechanisms. Access management will ensure that roadway capacity is preserved which will reduce the need for road widening projects.
3. Issues concerning water quality are of paramount concern to the Town. Future regulations and development reviews need to continue to evaluate the hydrologic impacts of development, and should encompass issues related to nitrogen loading, pesticide loading, road salt analysis and erosion control. For projects with the greatest impacts, a program of on going water quality analysis should be required.
4. Open space protection should be a major factor for high-density developments. Areas to be protected should not be those that are simply unbuildable, but those that have significance for recreation, resource protection or viewshed protection.
5. Recommendations made in the Environmental Resources Chapter of this plan that have implications for current zoning should be reviewed by the Planning Board and considered for future zoning amendments.